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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/050,112 | 01/18/2002 | Kiyoo Morita | Q66502 | 6565 |

7590 11/25/2003

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
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Washington, DC 20037-3213

EXAMINER

HAUGLAND, SCOTT J

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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3654

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,112

Applicant(s)

MORITA ET AL.

Examiner

Scott Haugland

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 16-18 is/are allowed.
- 6) ☒ Claim(s) 11-15 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear whether or not the claimed magnetic tape cartridge includes the drawing-out member recited on lines 2-3.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 11, 12, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Olsen.

Olsen discloses a magnetic tape cartridge comprising a generally rectangular cartridge case in which a single reel wound with a magnetic tape is rotatably housed, wherein a magnetic tape drawing-out port 56 is provided on a side surface of the cartridge case at a position apart from a corner of said cartridge case. The magnetic tape drawing-out port 56 is provided between a position corresponding to a screw hole 32 used for assembling upper and lower cases 16, 18 provided in the corner of said cartridge case, and a position corresponding to a reference hole 88 provided in the vicinity of a central portion of the cartridge case.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 13 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen.

Olsen discloses a magnetic tape cartridge comprising a generally rectangular cartridge case in which a single reel wound with a magnetic tape is rotatably housed, wherein a magnetic tape drawing-out port 56 is provided on a side surface of the cartridge case at a position apart from a corner of said cartridge case. The magnetic tape drawing-out port 56 is provided between a position corresponding to a screw hole 32 used for assembling upper and lower cases 16, 18 provided in the corner of said cartridge case, and a position corresponding to a reference hole 88 provided in the vicinity of a central portion of the cartridge case. A tape drawing-out member (leader) 74 is provided on an end of the magnetic tape.

Olsen does not explicitly state that the central portion of the tape drawing-out port is located at a position apart from the corner of said cartridge case by a distance equivalent to approximately one quarter of an edge length of the side of the cartridge. Olsen does not explicitly state that the tape is drawn out of the drawing-out port by the drawing-out member.

With regard to claim 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the tape drawing-out port 56 at a position apart from the corner of said cartridge case so that its central portion is approximately one quarter of the

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edge length of the side of the cartridge from the corner since Olsen shows the port in that location and it would have been clear that locating the port at that location would have been fully capable of operating as desired.

With regard to claim 19, it would have been obvious to draw tape out of the drawing-out port 56 by the drawing-out member 74 as is well known for threading the tape through a utilization device.

Allowable Subject Matter

Claims 1-10 and 16-18 are allowed.

Claim 14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, taken as a whole, fails to disclose or render obvious a magnetic tape cartridge comprising all the limitations claimed, including a single reel being integrally configured with upper and lower flanges so that they rotate integrally with each other.

Response to Arguments

Applicant's arguments filed 9/9/03 have been fully considered but they are not persuasive.

Applicants argue that Olsen does not suggest a magnetic tape cartridge having a tape drawing-out port at a position apart from the corner of the cartridge case and between a screw hole in a corner of the case and a reference hole in the vicinity of a central portion of the case and that Olsen does not disclose a reference hole (i.e., slot 56 of Olsen is not a reference hole).

However, the current and previous rejections relied upon reference hole 88 of Olsen. 56 is a tape drawing-out port. In any event, holes 88, 56, and others are reference holes. Since they are distinct from the rest of the cartridge case, they are capable of being used as a reference to identify or locate a particular portion of the cartridge case. The tape drawing-out port 56 of Olsen is located at a position apart from any corner of the case. The tape drawing-out port is also located between screw hole 32 and reference hole 88. Reference hole 88 is located in the vicinity of the central portion of the case.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (703) 305-6498. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

sjh
sjh

11/20/03

Kathy Matecki

KATHY MATECKI
SUPERVISORY PATENT EXAMINER
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